

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

- v. - :

NOLLE PROSEQUI

FRANK JONES, :

07 Cr. 632 (DAB)

Defendant. :

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1. The filing of this nolle prosequi will dispose of this case with respect to the defendant Frank Jones.

2. On July 12, 2007, Information 07 Cr. 632 (DAB) (the "Information") was filed, charging Frank Jones with one count of illegal dealing in firearms, in violation of Title 18, United States Code, Section 922(a); four counts of conspiracy to distribute narcotics, in violation of Title 21, United States Code, Section 846; and one count of being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g).

3. On May 24, 2008, while this case was still pending, defendant Frank Jones died. A copy of the defendant's certificate of death is attached hereto.

4. Because the defendant died while this case was pending, and therefore before a final judgment was issued, the indictment against him must be dismissed under the rule of abatement. See United States v. Wright, 160 F.3d 905, 908 (2d Cir. 1998).

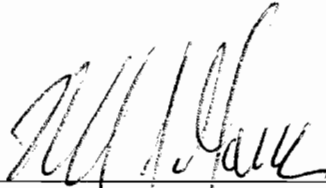
5. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant Frank Jones.



STEVE C. LEE
Assistant United States Attorney
(212) 637-2413

Dated: New York, New York
July 22, 2008

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant Frank Jones.



MICHAEL J. GARCIA ^{km} _{gsp}
United States Attorney
Southern District of New York

Dated: New York, New York
July 23, 2008

SO ORDERED:



HON. DEBORAH A. BATTS
United States District Judge
Southern District of New York

Dated: New York, New York
July 31, 2008